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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,374	11/19/2003	Lawrence Kates	P1553	9542

7590 11/01/2005

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EXAMINER

BUGG, GEORGE A

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,374	Applicant(s) KATES, LAWRENCE	
	Examiner George A. Bugg	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2005 and 19 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/08/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 08/08/2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the Patent listed on Applicant's IDS was issued to Sekiya et al., not White et al., and has nothing to do with the subject matter of Applicant's invention. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

2. **The drawings are objected to because Figures 2A and 2B have no labels or identifiers.** Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-13, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. All additions pertaining to the sockets of 5A and 5B in Section 27 of the Specification. While the Examiner agrees

that Figure 5A, as originally filed, does in fact disclose sockets on a fluorescent light fixture, and Section 27 gives a brief description of a plug on a repeater unit, which fits into a fluorescent fixture socket, the latter feature is clearly not shown in the drawings, and the Specification even states that the union is not shown. Furthermore, it is believed by the Examiner that if this union, and the importance of the sockets, are the novel feature(s) of Applicant's invention, they should have been clearly disclosed, and shown in the drawings prior to examination. Adding information to a Figure, inserting information into the Specification, based on the additions to the Figure, and then amending the claims to incorporate those additions is clearly an attempt at introducing new matter, and is improper.

5.

Claim Rejections - 35 USC § 102

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-13, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication US 2003/0199247 A1 to Strierner.
2. As for claims 1 and 18, Strierner discloses (Section 35) a wireless repeater, which may be screwed into a light socket, which in turn may have a light bulb, screwed into it, therefore mechanically cooperating with an electrically powered fixture. In addition, functionality of the light fixture is maintained, as shown in Figures 3 and 4. Section 37 of the Strierner reference, teaches that the repeater is capable of turning the

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light bulb which it is attached on or off, thereby providing power to a common electrical device. Section 39 teaches a transceiver unit, and a power supply, which as seen in Figure 5, where element 500 is the control circuitry of the repeater, are electrically connected. Furthermore, Section 39 teaches that the control circuitry 500 is housed in housing 320, shown in Figures 3 and 4. Figure 5 also shows the power supply of control circuitry 500, being connected to the line voltage of the light fixture.

3. As for claims 2 and 3, Section 40 discloses rechargeable batteries being recharged when the line voltage, or voltage power the electrical fixture is present. Strierner further discloses storing power in a capacitor bank.

4. As for claims 4-6, see Figures 3 and 4, which are substantially the same as Applicant's Figure 1.

5. As for claims 7 and 8, Sections 40 teaches a recharging circuit which supplies power, when the line voltage is absent. Conversely, when the line voltage is present, the back-up power supply is turned off, since it is no longer needed.

6. As for claim 9, Section 40 states that the rechargeable batteries, or capacitive bank are charged when the line voltage to the electrical fixture is present.

7. As for claim 10, the battery back-up system of Strierner, or charge storing capacitors, will inherently supply power to the light fixture until the line voltage is restored, or until the batteries or capacitors are depleted of their charge.

8. With regard to claim 11, the Strierner reference teaches the use of his repeater in a building throughout the reference. Use in an apartment building is not patentably distinct. Furthermore, the functionality of a repeater is to relay a message or signal,

from a transducer, to an electrical device, for the purpose of turning it on or off.

Strierner discloses just that in Section 37.

9. With regard to claim 12, re-transmission is taught throughout the Strierner reference, such as Sections 40 and 42.

10. **With regard to the added claim limitations of the Amendment dated 08/01/2005, pertaining to pending claims 1-11, and 18, the Examiner again applies the teachings of the Strierner reference, particularly with respect to Figure 3, and Section 35 of the disclosure. Strierner teaches throughout, that the repeater can be screwed into a standard light socket, and that a light bulb is then screwed into the repeater. It is the interpretation of the Examiner, that one such type of light bulb that could be used would be a compact fluorescent lamp, which would convert a standard light fixture into a fluorescent light fixture as claimed. Furthermore, referring to Figure 3, element 310 qualifies as a plug configured to mate with a fluorescent light fixture socket, and is attached to the housing of unit 320. It is therefore the contention of the Examiner, that while this interpretation may be broad, it is a reasonable interpretation, and adequately teaches what is claimed.**

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication US 2003/0199247 A1 to Strierner.

13. As for claim 13, while the Strierner reference may not specifically disclose the use of the repeater in an exit sign, he does teach that the unit can be used in conjunction with a light bulb, whereby the repeater is screwed into an electrical socket, and a light bulb is then in turn screwed into the repeater, so as to maintain the functionality of the light fixture (Section 35). Exit signs are well known in the art for containing light bulbs, which screw into sockets. Therefore, it would have been obvious to one of ordinary skill in the art to utilize a repeater in an exit sign for the purpose of achieving wireless transmission of information, while maintaining the functionality and aesthetics of a light fixture and the environment it is installed in.

Response to Amendment

With regard to Applicant's Supplemental Amendment of 08/08/2005, the Examiner has denied entry of the Supplemental Amendment on the grounds that it is not in compliance with 37 CFR 1.111(b) and MPEP 714.02(b) which state that when adding "New" claims, Applicant must explain why the "New" claims are novel, in view of the

prior art, and/or art of record. Applicant has failed to do so, but rather has only asserted that the new claims are not anticipated.

Response to Arguments

Applicant's arguments filed 08/01/2005 have been fully considered but they are not persuasive. As shown above, the Striemer reference does in fact teach the added limitations put forth in the Amendment of 08/01/2005, and therefore the Examiner maintains his rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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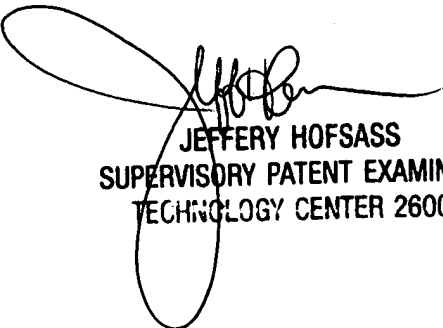
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A. Bugg whose telephone number is (571) 272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg
Examiner
Art Unit 2636

October 29, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600